

**CITY OF BURIEN, WASHINGTON**

**RESOLUTION NO. 259**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DECLARING AN EMERGENCY AND WAIVING COMPETITIVE BIDDING REQUIREMENTS**

WHEREAS, the City has undertaken to repair a hillside portion of Shorewood Drive through the construction of a gabion (basket) retaining wall, and

WHEREAS, during a windstorm in December of 2006, surface waters caused the hillside to subside resulting in damage to and instability of the gabion wall, and

WHEREAS, the gabion retaining wall was temporarily stabilized while the City waited for better weather conditions to remove the gabion retaining wall and restore the foundation so that the gabion wall could be re-constructed, and

WHEREAS, in the process of performing the restoration and reconstruction work in February of 2007, the hillside to be supported by the gabion retaining wall subsided and it was determined that the soil conditions likely would not now support the reconstruction of the gabion retaining wall, and

WHEREAS, a consultant retained by the City has recommended that as a result of the changed conditions, the City should construct a soldier pile wall, and

WHEREAS the construction of a soldier pile wall requires that steel "H" piles be driven into the ground followed by the placement of concrete lagging, and

WHEREAS, the procurement of the "H" piles and concrete lagging requires extensive lead time for manufacturing, and

WHEREAS, a failure to complete construction of the soldier pile wall before the next rain season could result in further subsidence of the hillside which could result in damage to Shorewood Drive and longer delays, higher costs and greater difficulty in making the repairs, and

WHEREAS, the City Council finds that the need to replace the gabion wall with a soldier pile wall was an unforeseen condition and that the need to immediately order the components of the soldier pile wall to ensure availability of those components in a timely manner to complete construction constitutes an emergency necessitating waiver of the competitive bidding requirements for construction of the soldier pile wall;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Findings of Fact. The foregoing recitals are incorporated herein and are adopted as findings of fact by the City Council.

Section 2. Declaration of Emergency. The City Council hereby declares an emergency in accordance with RCW 39.04.280(10)(c).

Section 3. Waiver of Competitive Bidding. The City Council hereby waives the competitive bidding requirements for construction of the soldier pile wall as described herein.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR MEETING THEREOF THIS 2ND DAY OF APRIL, 2007.

CITY OF BURIEN

/s/ Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

/s/ Monica Lusk, City Clerk

Approved as to form:

/s/ Christopher D. Bacha, City Attorney

Filed with the City Clerk: March 30, 2007

Passed by the City Council: April 2, 2007

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